

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ELENA DEL CAMPO, ET AL., ) Case No.: C 01-21151 JW (PVT)  
Plaintiffs, )  
v. )  
AMERICAN CORRECTIVE )  
COUNSELING SERVICES, INC., ET AL., )  
Defendants. )  
)  
**ORDER RE MID-DEPOSITION DISPUTE**

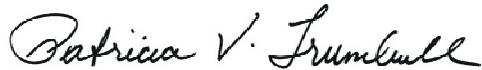
On May 9, 2008, plaintiffs Elena Del Campo, Ashorina Medina, Lisa Johnston and Miriam Campos (collectively “plaintiffs”) and defendant American Corrective Counseling Services, Inc. (“ACCS”) appeared by telephone before U.S. Magistrate Judge Patricia V. Trumbull for hearing regarding a dispute which arose during deposition.

Plaintiffs seek to inquire whether deponent was ever advised by counsel regarding the retention and destruction of documents. If so, plaintiffs also seek to inquire about when the advice was sought and from whom the advice was obtained. Defendant ACCS objects on the grounds that the inquiry intrudes upon the attorney-client privilege. It argues that there is no way the question can be phrased without violating the privilege. Moreover, any “yes” or “no” answer would be ambiguous because no further explanation could be elicited. Based on the arguments presented,

1 IT IS HEREBY ORDERED that defendant ACCS's motion to limit the deposition pursuant  
2 to Rule 30(d)(3) of the Federal Rules of Civil Procedure is granted.<sup>1</sup> Plaintiffs may not inquire into  
3 whether the deponent obtained advice of counsel regarding the retention and destruction of  
4 documents.<sup>2</sup>

5 IT IS SO ORDERED.

6 Dated: *May 9, 2008*



7  
8 PATRICIA V. TRUMBULL  
United States Magistrate Judge

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

---

25       <sup>1</sup> Although defense counsel did not expressly state he was moving for a motion to limit  
26 the deposition, the court assumes that was the purpose of the telephone hearing given the context of the  
27 dispute. *See Fed. R. Civ. P. 30(c)(2)* ("A person may instruct a deponent not to answer only when  
necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion  
under Rule 30(d)(3)").

28       <sup>2</sup> The holding of this court is limited to the facts and particular circumstances underlying  
the present application.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28